

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. I

UNITED STATES OF AMERICA, et al

Prosecutors

Paper # 1357

- vs -

ARAKI, Sadao, et al.

Defendants

APPLICATION TO PROSECUTION FOR  
THE RELEASE OF INTERROGATIONS  
OF EUGENE OTT

1. Comes now the accused, OSHIMA, Hiroshi, through his counsel, and respectfully requests the Tribunal to enter an order directing the Prosecution to release to the counsel for this accused any and all interrogations conducted with the former German Ambassador to Japan, Eugene Ott. This counsel for the accused has good reason to believe that extensive interrogations were conducted and contain material which can be useful to counsel in preparing his defense.

2. That this application is made in that a subpoena had been issued for the appearance of Ambassador Ott before the Tribunal, but the subpoena was not honored by the Chinese Government. Thus the witness was not made available for interrogation which would have been much more satisfactory for all purposes than the use of these interrogations.

3. Although the counsel had for some time interviewed the witness, Eugene Ott, in Shanghai, it was impossible to cover the subjects upon which the testimony of the witness would have had some bearing, and therefore this application is necessary at this time.

4. That the material sought from the interrogations is not available from other sources or witnesses and therefore COUNSEL FOR THE ACCUSED OSHIMA RESPECTFULLY REQUESTS THAT THE TRIBUNAL ISSUE AN ORDER REQUESTING THE PROSECUTION TO MAKE AVAILABLE ALL OF THE INTERROGATIONS CONDUCTED BY THEM WITH THE WITNESS, EUGENE OTT, CONCERNING QUESTIONS RELATING TO THESE PROCEEDINGS.

RESPECTFULLY SUBMITTED,

/s/ Owen Cunningham  
Owen Cunningham  
Counsel for OSHIMA, Hiroshi